IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 781 OF 2006

The Toolsidas Gopalji Charitable
and Dhakleshwar Temple Trust ... Petitioner

Versus

The Municipal Commissioner of
Greater Mumbai and anr. ... Respondents

Mr. J. Reis, Sr. Counsel with Mr. K. Shroff i/by Akshar Laws for Petitioner.

Mrs. P.A. Purandhare for Respondents.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATED : APRIL 03, 2006

P.C.

. The subject matter of this petition is hoardings which is also the subject matter of Writ Petition Nos. 831 and 832 of 2006. In those cases, the Apex Court had directed the Petitioners before it to remove the hoardings. The Apex Court suo moto stayed the operation of order untill the MHCC takes a decision.

. The present petition is by the owners of the property contending that the hoardings belong to them and that the Mass Holdings Pvt. Ltd. which

were parties before the Apex Court were only licensees. Whatever may be the position, the issue that the hoardings were illegal has been concluded by the judgement of the Apex Court. The only relief given to those Petitioners before the Apex court was to move the heritage committee. That was so done and the Heritage Committee rejected thier representations. Against that, those petitioners had filed petitions which have been disposed of by orders passed earlier today.

. In these circumstances, it will not be possible for us to entertain the petition by the property owners. This is not a fit case to exercise our extra ordinary jurisdiction. If the Petitioners have any right, including by moving under D.C. 67, it will be open to them to do so. With the above observations, Petition stands disposed of.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)